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November 27, 1996

By Hand

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Federal Communications Commission
Office of Secretary

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Re: WT Dkt. 96-198 - Implementation of Section 255 of the
Telecommunications Act of 1996

Dear Mr. Caton:

Enclosed please find an original and five (5) copies of the Reply Comments of Lucent Technologies in the above-referenced proceeding. Also enclosed is a copy to be stamped and returned for our files.

Please do not hesitate to contact me should there be any questions.

Sincerely,


Mary McManus

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NOV 27 1996

Before the
Federal Communications Commission
Washington, D. C.

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Implementation of Section 255 of the)	
Telecommunications Act of 1996)	
)	WT Docket 96-198
Access to Telecommunications Services,)	
Telecommunications Equipment, and)	
Customer Premises Equipment)	
By Persons with Disabilities)	

REPLY COMMENTS OF LUCENT TECHNOLOGIES INC.

Lucent Technologies Inc.

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November 27, 1996

REPLY COMMENTS OF LUCENT TECHNOLOGIES INC.

Summary

Lucent Technologies Inc. ("Lucent") submits the following Reply Comments in response to the Commission's Notice of Inquiry, FCC 96-382, released September 19, 1996, seeking comments on issues related to the provisions of Section 255 of the Telecommunications Act of 1996. The Commission should eschew rigid rules or regulations and, instead, issue a policy statement outlining its approach to adjudicating complaints under Section 255 of the 1996 Act. The Commission's approach to adjudicating complaints should afford manufacturers a reasonable opportunity to accommodate their design, development and fabrication process to the new obligations imposed by Section 255. In determining whether incorporating a specific accessibility feature in a specific item of equipment is readily achievable, the Commission should consider the relationship between the cost of the feature and the cost of the equipment involved; the overall financial resources of the manufacturer introducing the product and the value of enhanced accessibility to society at large are not relevant to making a readily achievable determination. The Commission should participate actively with the Access Board in developing Guidelines that are useful to manufacturers in assessing the accessibility of their product designs and providing a forum for the exchange of technical information about barriers to accessibility and solutions to those barriers. And, finally, the Commission should hold a single party -- the party introducing telecommunications or customer premises equipment into the market in its final form -- responsible for compliance with the requirements of Section 255.

REPLY COMMENTS OF LUCENT TECHNOLOGIES INC.

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Appendix A: List of Parties Filing Comments

Before the
Federal Communications Commission
Washington, D. C.

In the Matter of)	
)	
Implementation of Section 255 of the)	
Telecommunications Act of 1996)	
)	WT Docket 96-198
Access to Telecommunications Services,)	
Telecommunications Equipment, and)	
Customer Premises Equipment)	
By Persons with Disabilities)	

REPLY COMMENTS OF LUCENT TECHNOLOGIES INC.

Pursuant to Section 1.415 of the Commission's Rules, Lucent Technologies Inc. ("Lucent") submits the following Reply Comments in response to the Notice of Inquiry, FCC 96-382, released September 19, 1996 ("Notice"), seeking comment on issues related to the provisions of Section 255 of the Telecommunications Act of 1996 ("1996 Act")¹ regarding the accessibility of telecommunications services, telecommunications equipment, and customer premises equipment to persons with disabilities.

As it affects manufacturers, Section 255(b) of the 1996 Act requires manufacturers of telecommunications and customer premises equipment to "ensure that

¹ Pub. L. No. 104-104, 110 Stat. 56 (1996).

the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.” If such accessibility is not readily achievable, manufacturers must ensure that the equipment is compatible with “existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.” The term “readily achievable” has the meaning given to it by Section 301(9) of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. 12181(9). Section 255(e) further requires the Architectural and Transportation Barriers Compliance Board (“Access Board”), in conjunction with the Commission, to develop guidelines for equipment accessibility (“Accessibility Guidelines”) within 18 months of enactment. Section 255(f) of the 1996 Act vests with the Commission “exclusive jurisdiction” with respect to complaints under Section 255. Lucent’s Reply Comments on the issues raised by the Commission in its Notice and the Comments of other interested parties follow.²

- I. Although it is premature for the Commission to promulgate rules regarding the accessibility of telecommunications and customer premises equipment, the Commission should issue a policy statement outlining how it will adjudicate complaints filed under Section 255 of the 1996 Act.

In its Comments, Lucent stated that it is currently premature for the Commission to promulgate rules regarding the accessibility of telecommunications and customer premises equipment. Instead, Lucent urged the Commission to issue a policy statement outlining its approach to adjudicating complaints filed under Section 255 of the 1996 Act. Lucent believes that the Commission should adopt an approach that

² A list of the parties filing comments and the abbreviations used to identify them in Lucent’s Reply Comments is attached as Appendix A.

(i) encourages prompt, informal resolution of complaints regarding the accessibility of telecommunications or customer premises equipment and accepts for adjudication only those complaints that have not been resolved on an informal basis; (ii) encourages all concerned parties to establish a forum to facilitate the exchange of information regarding solutions to barriers to accessibility; (iii) accepts for adjudication only those complaints relating to the accessibility of equipment for which design activities commenced at least six months after the publication of the Guidelines under development by the Access Board in conjunction with the Commission; (iv) includes a rebuttable presumption that products comply with Section 255 if manufacturers have developed, after consultation with representatives of individuals with a variety of disabilities, and used a disciplined process for assessing the accessibility of designs and determining whether it was readily achievable to incorporate accessibility enhancing features; (v) gives consideration only to technological solutions to accessibility known at the time design activities commenced for the equipment that is the subject of the complaint; and (vi) requires that all complaints state with particularity the barrier to accessibility that is the subject of the complaint and that the recommended solution to that barrier would have been readily achievable at the time design of that product commenced.

- A. The Commission should not adopt formal regulations to implement Section 255, but rather adopt a policy statement indicating how it will adjudicate complaints about the accessibility of telecommunications and customer premises equipment.
-

Several commentators agree that, at this stage, the goals of Section 255 can best be advanced by the Commission foregoing rigid accessibility standards or regulations and, instead, enunciating initial policy statements or general guidelines. For example, CTIA

advocates “a policy statement or set of voluntary guidelines which provides carriers and manufacturers with maximum flexibility to meet their access obligations. . . .” CTIA Comments at page 4. MCI advocates “general guidance . . . on the issue of enforcement” to provide for an avenue through which individuals with disabilities can “obtain accessible and usable equipment and services. . . .” MCI Comments at page 5. TIA recommends the “. . . enunciation of policy through statements or guidelines. . . .” noting that rules are “relatively inflexible and difficult to amend or delete when changes are needed.” TIA Comments at pages 2-3. Arkenstone recommends Guidelines that “ensure that access is sensibly addressed,” and further recommends that the Commission avoid narrow regulations that “stifle innovation” and “constrain designers with the problems of yesteryear. . . .” Arkenstone Comments at pages 3-4.³

Similarly, several commentators expressed support for the type of policy statement advocated by Lucent, outlining the Commission’s approach for adjudicating complaints under Section 255. TIA recommends that individuals with complaints about a lack of accessibility should take “. . . first take up their grievances with manufacturers or suppliers” and that the Commission’s complaint process “should be set forth with specificity,” be fair and clear, even though it need not be “overly formal.” TIA Comments at page 9 and footnote 2. Nortel recommends an informal complaint process in which manufacturers would designate a contact at a toll-free telephone number to receive accessibility complaints from dissatisfied customers. Only complaints which could not be

³ Other commentators also urge the Commission to eschew rigid regulations. See, e.g., AT&T Comments at pages 6-7; Siemens Comments at page 3; Bell Atlantic Comments at page 3; Northern Telecom Comments at page 10; Microsoft Comments at page 2.

resolved informally would reach the Commission. Nortel Comments at page 11.

Arguments advocating that the Commission promulgate rules or regulations, which emanate generally from organizations representing the interests of individuals with disabilities, reflect a consistent theme -- “. . . promulgation of FCC regulations is critical to ensuring that telecommunications manufacturers and service providers fully understand their obligations to provide access. . . .” NAD Comments at pages 6-7. These organizations suggest the absence of formal Commission regulations has permitted manufacturers and service providers to pay inadequate attention to the accessibility of their products or services at the early stages of development. They further assert that the failure of Section 255 to contain a statutory requirement for the promulgation of regulations was “at best, an oversight.” ASHA Comments at 2; UCPA Comments at 4; NAD Comments at page 4.

Lucent respectfully disagrees with these organizations. First, what constitutes a disability has never been succinctly established. At best it has been described in a rather large list of different conditions, each with a wide range of severity. Each combination of condition and degree of severity potentially requires a unique solution to permit access to and use of an equally wide array of individual products or services. As ITI describes it, “. . . there is no ‘standard’ disabled person.” ITI Comments at page 6. The complexity of varying disabling conditions, degrees of severity, and products or services would make it, at the very best, extremely difficult to craft a definition of readily achievable accessibility with the precision necessary for the promulgation of regulations. Indeed, none of the comments present a definition of readily achievable accessibility that might meet this test.

Second, the lack of a congressional mandate for regulations, far from being an oversight, reflected Congress' acknowledgment of the complexities of providing accessible products and services to individuals with a wide array of disabling conditions and degrees of severity. As the Commission well knows, in enacting the 1996 Act, the Congress was not hesitant about requiring the Commission to promulgate rules and regulations.⁴ SWBT points out that the "...enacted statute specifically omitted language contained in the Senate bill, requiring the Commission to develop regulations." SWBT Comments at page 2. Thus, the 1996 Act does not require the Commission to adopt formal rules regarding accessibility and the Commission should not do so. Instead, the Commission should issue a policy statement that will outline its approach to adjudicating complaints filed under Section 255.

- B. The Commission should, as required by the 1996 Act, participate actively in the development of the Accessibility Guidelines under development by the Access Board and should ensure that a forum is established for manufacturers and individuals with disabilities -- and the organizations representing them -- to exchange technical information identifying barriers to accessibility and solutions to those barriers.

Clearly, the 1996 Act requires the Commission to play an active role in the development of the Accessibility Guidelines. Section 255 (e) requires the Access Board to "develop guidelines . . . in conjunction with the Commission." The use of the term "in conjunction with" indicates clearly that the Commission and Access Board are to be joined together in action for the purpose of developing the required Accessibility

⁴ See CTIA's Comments at footnote 6 where the congressional mandate for guidelines in Section 255 is contrasted with other significant requirements for the establishment of rules or regulations.

Guidelines.⁵ Both the Access Board and the Commission have unique knowledge and expertise that is needed to develop the Guidelines; the Access Board is experienced in identifying barriers to accessibility and solutions to those barriers in buildings and other facilities while the Commission has significant expertise and technical knowledge regarding telecommunications services and telecommunications and customer premises equipment. Both areas of expertise are needed if the Guidelines are to provide manufacturers with the information to assist them in complying with the requirements of Section 255. Lucent supports the position of ITI and others that the Commission “should participate actively in the . . . development of guidelines to ensure that the guidelines are informed by the Commission’s unique telecommunications expertise.” ITI Comments at page 8.⁶

The comments reveal widespread agreement that a forum for the exchange of technical information would be useful for both manufacturers and organizations representing the interests of individuals with disabilities.⁷ Siemens points out that, although there are presently only a few hundred individuals with expertise in access engineering, it foresees an industry-wide need for between 5,000 and 10,000 such individuals as a result of the obligations imposed by Section 255. Siemens Comments at pages 7-8. Obviously the education and training of that many individuals with expertise

⁵ See, e.g., Webster’s Third New International Dictionary (Unabridged), Merriam-Webster Inc., Springfield, Mass., 1981, which defines the verb “conjoin” as “to join together (as separate entities) for a common purpose or a common end.”

⁶ Other parties discuss the significant role the Commission should play in the implementation of Section 255. See, e.g., Omnipoint Comments at page 11; TIA Comments at page 3; Motorola Comments at page 6; Bell Atlantic Comments at page 3; Nortel Comments at page 12; Ericsson Comments at page 5.

⁷ See, e.g., ITI Comments at page 8; AT&T Comments at pages 11-12; Siemens Comments at page 9; AFB Comments at page 16; Microsoft Comments at pages 32-33.

in access engineering is a formidable task for industry that is not likely to be accomplished in the near term. Thus, there is a need to establish a forum for the exchange of information about the access needs of individuals with various categories of disabilities and such information about technical solutions to those access needs as exists in the public domain. Lucent recommends that the Commission and the Access Board establish an information exchange forum that combines the technical capabilities of the information age⁸ with the knowledge-enhancing attributes of professional or technical engineering societies and academic journals which publish peer reviewed studies and articles.

- C. The Commission's policy on enforcement should apply to products designed following the publication of the Guidelines the Access Board is to develop in conjunction with the Commission.

It is clear from the plain language of Section 255 that Congress intended its accessibility requirement to apply only to equipment for which design activities commenced following enactment of the 1996 Act. It would be unreasonable for the Commission to seek to enforce the provisions of Section 255 before the Access Board and Commission publish the Guidelines and provide manufacturers a reasonable opportunity to accommodate their design and development processes to those Guidelines.

Section 255 (b) requires manufacturers to ensure that equipment is “designed, developed, and fabricated to be accessible to and usable by individuals with disabilities. ...” (Emphasis added.) Recognizing that accessibility is most effectively addressed at the beginning of the product introduction process, Section 255 treats the design, development,

⁸ For example, Microsoft proposes the creation of a national Accessibility Technology Clearinghouse – essentially a database maintained by the Commission or other third-party organization and accessible to everyone. Microsoft Comments at page 32.

and fabrication of equipment as a singular process. Had the Congress intended for Section 255 to be applied to equipment for which any aspect of this process already had been completed, Section 255 (b) would read differently than it does.

The importance of considering accessibility in the design phase of the design, development and fabrication process stressed by a wide array of commentators provides further support for the Commission to enforce Section 255 only on equipment designed after the publication of the Guidelines and to provide manufacturers the opportunity to adjust their processes to reflect the new obligations imposed by Section 255. For example, Trace recommends that manufacturers be given a reasonable opportunity to implement new techniques for enhancing accessibility before a failure to implement a new technique might be used to determine whether manufacturers had “ignored readily achievable strategies or techniques in the design of their products.” Trace Comments at page 10. (Emphasis added.) In arguing for the promulgation of regulations, NAD expresses concern about manufacturers’ and service providers’ past record of “ignoring access needs at these early critical stages.” NAD Comments at page 7. (Emphasis added.) UCPA, also arguing for the promulgation of regulations, focuses on requirements that manufacturers “consider and meet access needs at the earliest stages of their product and service development.” UCPA Comments at page 4. (Emphasis added.)

- D. The Commission should consider only those complaints which state with particularity the barrier to accessibility that is the subject of the complaint and identify a readily achievable solution to that barrier that existed at the time design activities for a product commenced.

As long as there continues to be no widely accepted definition of readily achievable accessibility that can be applied to any specific item of telecommunications or customer premises equipment, whether equipment is accessible to and usable by individuals with disabilities understandably is likely to remain a matter of subjective judgment. Lest the Commission and other affected parties be swamped by nonspecific complaints not easily susceptible to resolution, the Commission should require that all Section 255 complaints specifically identify the barrier to accessibility that is the subject of the complaint and identify a specific solution to that barrier that existed and was generally known at the time the design of the equipment commenced and that could have been incorporated into the equipment "without much difficulty or expense."⁹ Such a requirement of specificity would be consistent with -- and no more onerous than -- the

⁹ See the ADA definition of readily achievable -- "easily accomplishable and able to be carried out without much difficulty or expense." 42 U.S.C. 12181 (9). The ADA further provides that "in determining whether an action is readily achievable, factors to be considered include --

- (A) the nature and cost of the action needed under this Act;
- (B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
- (C) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (D) the type of operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity."

requirements of the Commission's existing informal complaint process. See, e.g., 47 C.F.R. 1.716.

II. In adjudicating Section 255 complaints, the Commission often should focus on the cost of incorporating a specific accessibility feature in comparison with the cost of the equipment involved in determining whether incorporating the feature was "readily achievable."

In their Comments, the parties to this proceeding reveal a significant difference of opinion regarding the extent to which overall corporate resources should be considered in determining whether incorporating features to enhance the accessibility of equipment is "readily achievable." Manufacturers and the organizations representing them point out that corporations, in order to compete in highly contested markets, very often have driven budget authority and financial accountability down to individual product teams. In such arrangements, there simply is no corporate-level funding to support incorporating accessibility features where the cost of doing so, considered in light of the costs of the equipment itself, is significant. See, e.g., TIA Comments at page 6. On the other hand, SHHH, for example, "believes that the entire operations and resources of a parent corporation and its subsidiaries must be taken into consideration when calculating the resources available to cause products and services to be accessible to and usable by persons with disabilities. . . ." SHHH Comments at III/B/15. UCPA makes a similar argument. UCPA Comments at page 11.

A reduced level of new or innovative telecommunications or customer premises equipment being introduced into the marketplace, accompanied by a reduction in jobs devoted to product design, development, and manufacturing, could not have been intended

by the Congress when it enacted Section 255 of the 1996 Act. Requiring manufacturers to provide financial resources to support the addition of accessibility enhancing features to a product beyond those that would be considered readily achievable if the cost of the accessibility feature were considered only in relation to the cost of the product, well could result in individual products that add more to corporate costs and expenses (for both “conventional” cost items and accessibility features) than they add in revenue. The likely result of such unprofitable items of telecommunications or customer premises equipment would be a termination of such unprofitable equipment and a reduced willingness of manufacturers to invest -- and risk -- scarce resources devoted to developing new and innovative equipment.

In enacting the definition of “readily achievable” in the ADA, which is incorporated by reference into Section 255, Congress clearly intended that the possibility of a corporation closing a local operation or reducing jobs was to be considered in determining whether removing a particular barrier to accessibility was readily achievable.¹⁰ For manufacturers, individual products are “units of decision,” analogous to retail stores, managed by teams who are expected to meet financial objectives. The resources of a corporate parent are derived from the financial results achieved by these individual “units of decision,” not from some independent source. The consequences of a proposed product not meeting its financial targets -- whether as a result of incorporating features to enhance its accessibility or as a result of any other action -- inevitably confront

¹⁰ The impact of the readily achievable barrier removal obligations in the ADA were not intended to result in corporate decisions to close neighborhood stores or eliminate jobs. When evaluating whether a specific barrier removal action was “readily achievable,” courts were instructed to consider “whether the local store was threatened with closure by the parent or is faced with job loss. . . .” House Committee on the Judiciary, H. Rep. No. 485, Part 3, 101st Cong., 2d Sess. (1990), at p 55.

product teams with a choice of finding a way to meet the financial targets or abandoning the product or project. Thus, when determining whether it is readily achievable to incorporate a feature to enhance the accessibility of an item of equipment, the Commission should consider the cost of incorporating the feature in relation to the cost of the equipment involved.

III. The societal benefits of increased accessibility and usability of telecommunications equipment are not relevant to an evaluation of whether an accessibility enhancing feature is readily achievable.

Several comments argue that, not only must the resources of parent corporations be considered when determining whether incorporating accessibility features is readily achievable, but the larger societal benefits of increased accessibility also are to be considered. For example, UCPA believes that in determining whether enhanced accessibility is readily achievable, manufacturers also must consider the benefits of enhanced accessibility features to “individuals with disabilities in the aggregate” by including in their consideration factors such as the “direct and productivity-related benefits, the cost savings or ‘avoided costs’ or ‘opportunity costs’ for individuals with disabilities, in addition to benefits to society and other measures.” UCPA Comments at page 10. Similarly, NAD argues that “[t]he Commission’s assessment of the costs of providing access to telecommunications should take into consideration the costs to individuals and society of failing to provide such access.” NAD Comments at page 27.

The legislative history of the ADA indicates, however, that the Congress did not contemplate that benefits accruing to society would be balanced against the increased costs of an individual business when determining whether removing a barrier to

accessibility would be readily achievable. Specifically, the term readily achievable “focuses on achievability from the perspective of the business operator and addresses the degree of ease or difficulty that the business operator would experience in removing a barrier. . . .” House Committee on Energy and Commerce, H. Rep. No. 485, Part 4, 101st Cong., 2d Sess. (1990), at pp 56-57. (Emphasis added.). Thus, whether incorporating accessibility-enhancing features in telecommunications or customer premises equipment is readily achievable must be evaluated solely from the perspective, generally, of the manufacturer and, specifically, from the perspective of the equipment in question.

- IV. The party introducing equipment into the marketplace in its final form should be responsible for assuring compliance with the obligations of Section 255 that it be accessible to and usable by individuals with disabilities, if readily achievable, and if not readily achievable, compatible with existing peripheral devices or specialized customer premises equipment, if readily achievable.
-

In its Comments, Lucent argued that holding the party introducing equipment into the marketplace in its final form responsible for assuring compliance with the obligations of Section 255 would provide a useful degree of certainty to other parties. Lucent Comments at pages 9-10. The comments of other parties reveal significant agreement on the part of manufacturers and their trade associations with the substance of Lucent’s argument that a single party should be responsible for compliance with Section 255. For example, ITI states that, for purposes of Section 255, the manufacturer “should be the party who offers the equipment for sale to the public.” ITI Comments at page 10. Ericsson argues that the manufacturer should be the party obtaining “any necessary equipment authorization or is otherwise legally responsible for compliance with

FCC rules (other than Section 255 compliance). . .” and, for equipment that does not require authorization, “the entity that is responsible for final assembly. . . .” Ericsson Comments at page 10. Microsoft argues that responsibility for compliance with Section 255 be “. . . assigned to the manufacturer of the end product – regardless of whether that manufacturer assigns the design, development and fabrication of components to others or licenses its design to others for production.” Microsoft Comments at page 13. On the other hand, organizations representing the interests of individuals with disabilities generally argue that multiple parties involved in marketing an item of equipment should be held responsible for compliance with the requirements of Section 255. AFB’s statement is typical of those who argue that the Commission should “enforce the provisions [of Section 255] on all parties. Joint and several liability with respect to the provision of providing access will ensure that the consumer’s needs are met. . . .” AFB Comments at page 7.¹¹

Lucent believes that introducing the notion that multiple parties can be held responsible for the failure of telecommunications or customer premises equipment to comply with the requirements of Section 255 is unnecessary.¹² At bottom, whether accessibility of equipment is readily achievable is primarily related to the design of the equipment -- which includes the selection of the components and subassemblies needed to accomplish all of the design goals for the equipment, including accessibility -- as it is

¹¹ Similar arguments were advanced by other organizations. See, e.g., NAD Comments at pages 24-25; UCPA Comments at page 6; CAN Comments at page 5.

¹² As Lucent pointed out in its Comments, although the party introducing the product into the marketplace in its final form should be responsible for assuring compliance with Section 255, in situations where there are multiple firms involved in the design, development and fabrication of equipment, the parties are free to apportion among themselves, by contract, responsibility for the consequences of equipment being found to be not in compliance with the requirements of Section 255.

introduced into the market and has much less to do with the arrangements that are made for fabricating the equipment. Holding the party introducing the final equipment into the market responsible for complying with Section 255 offers the greatest assurance that accessibility is considered during the design phase because it is this party that generally determines the specifications -- including performance specifications, technical requirements, and accessibility -- to be met by other parties when there is more than one party involved. In addition, holding multiple parties potentially responsible for compliance with Section 255 could complicate the Commission's process for resolving complaints under Section 255 by involving the Commission in apportioning the responsibility of the compliance failure and in resolving other disputes among the parties involved in the design, development, and fabrication of equipment found to be noncompliant. Thus, Lucent urges the Commission to look to a single party -- the party introducing the equipment into the market in its final form -- to assure that a given item of telecommunications or customer premises equipment complies with the requirements of Section 255.

Conclusion

For the reasons stated above, Lucent recommends that the Commission should eschew rigid rules or regulations and, instead, issue a policy statement outlining its approach to adjudicating complaints under Section 255 of the 1996 Act. The Commission's approach to adjudicating complaints should afford manufacturers a reasonable opportunity to accommodate their design, development and fabrication process to the new obligations imposed by Section 255. In determining whether incorporating a

specific accessibility feature in a specific item of equipment is readily achievable, the Commission should consider the relationship between the cost of the feature and the cost of the equipment involved; the overall financial resources of the manufacturer introducing the product and the value of enhanced accessibility to society at large are not relevant to making a readily achievable determination. The Commission should participate actively with the Access Board in developing Guidelines that are useful to manufacturers in assessing the accessibility of their product designs and providing forum for the exchange of technical information about barriers to accessibility and solutions to those barriers. And, finally, the Commission should hold a single party -- the party introducing telecommunications or customer premises equipment into the market in its final form -- responsible for compliance with the requirements of Section 255.

Respectfully Submitted

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November 27, 1996

REPLY COMMENTS OF LUCENT TECHNOLOGIES

Appendix A

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Arkenstone, Inc. (Arkenstone)
AT&T Corporation (AT&T)
Bell Atlantic Telephone Companies (Bell Atlantic)
Cellular Telecommunications Industry Association (CTIA)
Consortium for Citizens with Disabilities (CCD)
Consumer Action Network (CAN)
Consumer Electronics Manufacturing Association
Ericsson Inc. (Ericsson)
Information Technology Industry Council (ITI)
Lucent Technologies Inc. (Lucent)
MCI Telecommunications Corporation (MCI)
Massachusetts Assistive Technology Partnership Center
Microsoft Corporation (Microsoft)
Motorola, Inc. (Motorola)
Narrative Television Network
National Association of the Deaf (NAD)
Northern Telecom Inc. (Nortel)
Omnipoint Corporation (Omnipoint)
President's Committee on Employment of People with Disabilities
Railfone-Amtrak Venture
Self Help for Hard Of Hearing People, Inc. (SHHH)
Siemens Business Communications Systems, Inc. (Siemens)
Southwestern Bell Telephone Company (SWBT)
Telecommunications Industry Association (TIA)
Trace R&D Center (Trace)
Tulsa Community College
Ultratec, Inc.
United Cerebral Palsy Associations, Inc. (UCPA)
United States Telephone Association
University Legal Services, Inc.
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CERTIFICATE OF SERVICE

I, Karen Signell Andrews, do certify that on November 27, 1996, copies of the Comments of Lucent Technologies Inc. were deposited in the U.S. Mail, first-class, postage prepaid, to the persons on the attached service list.



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